



NATIONAL POLICY CONSENSUS CENTER
Hatfield School Of Government

MEMORANDUM

TO: Mid-Coast IR TMDL Local Stakeholder Advisory Committee (LSAC) Members
FROM: Turner Odell and Peter Harkema, Oregon Consensus (OC)
SUBJECT: DRAFT – Action Items from April 18 Meeting – DRAFT
DATE: April xx, 2012

This memo follows up on the April 18, 2012, meeting of the Mid-Coast Implementation Ready Total Maximum Daily Load (IR TMDL) Local Stakeholder Advisory Committee (LSAC), held in person at the Embarcadero Resort in Newport, Oregon. The memo includes the following: proposed future meeting dates, identified action items and brief summaries of key topics discussed.

Upcoming Meetings

Please take note and calendar the following meetings.

Meeting	Date	Location
LSAC Meeting 3 Bacteria TWG	May 16, 2012	Florence (<i>add'l info by May 9</i>)
LSAC Meeting 4 Bacteria TWG/Temperature TWG	June 20, 2012	TBD
LSAC Meetings 5 TWG Meetings	July 17 and 18, 2012	TBD
<i>LSAC Meetings 6 - 14 TWG Meetings</i>	<i>August 2012 – November 2013 (see Meeting Schedule & Workplan)</i>	<i>TBD</i>

Action Items

Action Item	Who	Date
1. <u>Action Items</u> <ul style="list-style-type: none">• Prepare draft Action Items memo and distribute to LSAC members for review	OC (Turner and Peter) with DEQ	Complete
2. <u>Bacteria TWG</u> <ul style="list-style-type: none">• Confirm final membership and schedule working group meeting to align with May 16 LSAC meeting	DEQ/OC with TWG members	By cob, May 2

3. <u>303d List and Data Methodologies</u>	<ul style="list-style-type: none"> Distribute data collection methodology/quality assurance criteria Provide final updated list 	DEQ	At next meeting
		DEQ	As available
4. <u>Joint BOF/EQC Meeting and Tour</u>	<ul style="list-style-type: none"> Contact David or Gene if you did not receive an invitation and would like to participate 	LSAC members	ASAP
5. <u>Process Agreements</u>	<ul style="list-style-type: none"> Contact LSAC members who were not present to confirm agreement on group membership and Operating Principles Distribute final Operating Principles to LSAC 	DEQ/OC	In advance of 5/16 meeting
		OC	At 5/16 meeting
6. <u>Communication</u>	<ul style="list-style-type: none"> Create concise summaries of the MC-TMDL process and the IR TMDL concept for use by LSAC members with their constituents and for other communication efforts 	DEQ/OC	Strive for in advance of next meeting
7. <u>Additional Committees</u>	<ul style="list-style-type: none"> Identify potential LSAC members to participate in LSAC coordinating committee 	OC with DEQ and LSAC	Next meeting or as needed
	<ul style="list-style-type: none"> Submit suggestions for potential Ad Hoc Policy Group members to Gene at DEQ 	LSAC members and other stakeholders	ASAP
	<ul style="list-style-type: none"> Provide proposed Ad Hoc Policy Group membership list 	DEQ	In advance of 5/16 meeting

LSAC Invitees Present: Hui Rodomsky (Salmon Drift Creek WSC), Charlie Plybon (Surfrider Foundation), Paul Engelmeyer (Native Fish Society/Wetlands Conservancy), Paul Robertson (Devils Lake), Liz Vollmer-Buhl (Siuslaw Watershed Council), Jeff Light (Plum Creek Timber Company), Dale Stewart (USDI BLM Portland), Peter Adams (BLM Salem), Stacy Polkowske (Lincoln SWCD), Joe Steere (small woodland agriculture), Richard Huff (private landowner), Kevin Fenn (ODA), Dave Wilkinson (ODA), Wayne Hoffman (Mid Coast Watersheds Council), Karl Schumacher (Georgia Pacific, Toledo LLC), Dan Avery (ODFW), Glen Spain (PCFFA), Ray Kinney (Siuslaw SWCD), Steve Hager (Siuslaw WSC), Heather Medina Saucedo (NRCS), Dale Stewart (BLM), Onno Husing (Lincoln County), Don Kessi (citizen), Adam Denlinger (City of Toledo)

Project Team Members Present: David Waltz, Gene Foster, Zach Loboy, Kevin Brannan, (DEQ), Alan Henning (EPA)

Other Attendees (partial list): Rob Walton (NOAA), Andrew Kittel (Alsea Watershed Council), Nina Bell (NW Environmental Advocates), Jim Welsh (OR Cattlemen's Association) Chris Jarmer (OFIC), Greg Peterson (Peterson Engineering), Howard Pazdral (Seahorse Stagecoach Logging), Joshua Lambert (Lincoln SWCD), Greg Torland (private landowner), Mary Scurlock (M. Scurlock Associates), Steve Steiner (BLM), Jim James (OR Small Woodlands Assoc.), Gary Springer (Starker Forests), Peter Adams (BLM), Helen Rueda (EPA – by phone), Dave Powers (EPA – by phone)

Facilitation: Turner Odell (OC), Peter Harkema (OC)

Meeting Notes

Key topics and themes:

During the second meeting of the Mid-Coast TMDL LSAC attendees: (1) heard updates on agreed-upon action items from the March 20 meeting, (2) agreed to and finalized LSAC group membership and operating principles, (3) listened to and provided feedback on the bacteria TMDL approach, (4) volunteered and agreed to bacteria TWG membership.

The intent of this meeting was to provide LSAC members with updates on agreed-to action items, finalize remaining process items, and move into work on the TMDL. The meeting agenda, meeting materials (including PowerPoint presentations) will be available through the DEQ Mid-Coast TMDL project website at: (<http://www.deq.state.or.us/wq/tmdls/midcoast.htm>).

Stakeholder Questions, Issues, Concerns, and Agency Responses

DEQ staff provided an updated on agreed to action items that arose from the March 20 meeting. Included in these updates was an overview of the Oregon Water Quality Assessment and EPA's proposed changes to the 303(d) list of impaired water bodies.

Oregon's 2010 Integrated Report & EPA's Proposed 303(d) List Update. It was explained that in 2010 DEQ submitted a number of new 303(d) listings for the Mid-Coast, including beach bacteria - 6 listings (at four beaches), aquatic weeds or algae - 3 listings (2 aquatic weeds, 1 HABs), and turbidity - 1 listing. These listings have been approved by EPA, but in addition, EPA has proposed a number of additional listings, including listings for: biological criteria (25), dissolved oxygen (21), E. coli (11), fecal coliform (2), pH (2), and temperature (33). LSAC members expressed interest and asked detailed questions about DEQ's 2010 Integrated Report & EPA's proposed additions to the 303(d) list. Based on this level of interest, DEQ agreed that it will be useful to provide more details on the 2010 Integrated Report and 303(d) list (specifically, for the new DEQ Mid-Coast listings) for the next LSAC meeting. DEQ was not able to fully address certain questions about the basis for EPA's proposed new listings because DEQ is still reviewing those during the extended public comment period (to April 30). EPA staff provided some clarification. DEQ plans to provide as much detail as possible at the next LSAC meeting, but do not anticipate that EPA's decision will be finalized by May 16. (DEQ plans to make this an ongoing update item until the EPA 303(d) list is finalized and merged with Oregon's.)

Quality & Sources of Data for 303(d) Listings and for TMDL Development. LSAC members asked a series of questions related to the data quality & the sources of data during discussions on both the 303(d) listings and specifically related to data used for development of bacteria TMDLs. Both EPA and DEQ provided an overview of their quality assurance/quality control programs for data collected by DEQ and participants in the volunteer monitoring program and/or grant funded projects. Additional details on data sources and quality will be provided as the technical working groups focus on approaches to the TMDLs for individual pollutants and the supporting information for specific watersheds or subbasins. Typically review of data for 303(d) listings go back ten years and it was noted that a TMDL offers the ability to look at additional historical data.

Addressing Listings for Other Impairments. A number of LSAC members expressed strong interest in coordinating the LSAC's efforts on the three identified parameters with additional parameters that may need to be addressed in the Mid-Coast (e.g. dissolved oxygen). EPA/DEQ will continue to update the LSAC on the 303(d) list as new information becomes available.

Membership and Process Agreements. Oregon Consensus and DEQ provided an overview of the proposed list of LSAC members. David noted that a couple of slots are still awaiting confirmation but for the most part all representative slots have been filled. LSAC members approved and finalized membership list. Oregon Consensus also reviewed the draft operating principles, noting that no substantive changes to the document had been requested by LSAC members in the review period since the last meeting. It was clarified that participation in the LSAC does not preclude members from stating their opinions in other forums. However, LSAC members should not represent the views of other LSAC members or the view of the group as a whole. The Operating Principles were then approved by LSAC members. Oregon Consensus and DEQ will contact LSAC members who were not present to confirm their approval of the membership list and Operating Principles. If substantive changes are requested then DEQ and/or OC will report back to LSAC members.

Bacteria TMDL Approach Overview. Kevin Brannan then provided an overview of Oregon's bacteria standards and DEQ's proposed approach for the bacteria TMDL for both Big Elk Creek and all other bacteria impaired water bodies in the Mid-Coast. LSAC members asked a number of questions related to the standards that had and would govern DEQ's data collection. DEQ noted that this process will not be examining the methodology used to develop the relevant water quality standards, but indicated it would provide additional information on the standard during the TWG process. LSAC members were also curious when cost would be considered during the TMDL, suggesting that cost should be minimized and benefits maximized. It was explained that cost would be a consideration during the development of the implementation strategy. Many agreed that the LSAC should look for opportunities to leverage resources and maximize benefits across geographies, impairments, etc. With respect to the source assessment for the bacteria TMDLs, some participants noted that the Mid-Coast is a productive area for wildlife and these sources may be significant contributors. Others suggested that the TMDL effort should not limit wildlife management and restoration efforts in the Mid-Coast.

Bacteria Source Tracking (BST)/Microbial Source Tracking (MST). Following DEQ's presentation on approaches to bacteria TMDL development, particularly the source assessment, LSAC members and public attendees provided comments related to a category of sampling and analytical techniques generally referred to as Bacterial Source Tracking (BST) or Microbial Source Tracking (MST). Some commenters referred to genetic analysis and the Lower Smith River BST study was referenced as an example of a study conducted in Oregon. DEQ agreed to make that study available, which was funded, in part, by DEQ 319 grant funds. DEQ will also provide a summary of our evaluation and interpretation of the results of that study. *(Overall, DEQ concluded that the study provided insights into the issues and challenges associated with properly designing and conducting BST/MST studies at a watershed scale.)*

Bacteria TWG Formation. Following an overview of the bacteria TWG approach and a robust group discussion, LSAC members were asked if they wished to participate in the bacteria TWG. Oregon Consensus noted that the TWGs would require significant work and a fairly high level of technical expertise. DEQ identified the types of expertise that it desired in the bacteria TWG and then asked for volunteers. A list of those who volunteered to participate is included below.

Bacteria TWG Volunteers

- Charlie Plybon (Surfrider)
- Paul Englemeyer (Native Fish Society)
- Stacy Polkowske (ODFW)
- Stephen Hagar (Siuslaw Watershed Council)
- Joe Steere (Landowner)
- Kevin Fenn (ODA)
- Kate Danks (NRCS)
- Josh Lambert (Lincoln Co. SWCD)
- DEQ

Agenda for Next LSAC Meeting. David provided a brief overview of agenda topics for the May 16 meeting, scheduled to be held in Florence, including:

- Introduction to the Temperature TMDL
 - TWG Model
 - Results from Heatsource Model
 - Identify Temperature TWG members
- Bacteria Update
- Revised Workplan

The meeting adjourned at approximately 4:00 PM.